

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

AARON L. HALL,
Petitioner,

vs

WARDEN, LONDON CORRECTIONAL
INSTITUTION,
Respondent.

Case No. 1:10-cv-867

Barrett, J.
Litkovitz, M.J.

**REPORT AND
RECOMMENDATION**

Petitioner, an inmate at the London Correctional Institution, has filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a) in connection with a petition for writ of habeas corpus brought under 28 U.S.C. § 2254. (Doc. 1). The total filing fee due in this habeas corpus action is \$5.00. Petitioner's application reveals that as of November 15, 2010, he had \$26.87 in his prison account. (Doc. 1). The application demonstrates petitioner has sufficient funds available to pay the full \$5.00 filing fee in order to institute this action.

Accordingly, it is therefore recommended that petitioner's application for leave to proceed *in forma pauperis* be denied.

IT IS THEREFORE RECOMMENDED THAT:

1. Petitioner's application for leave to proceed *in forma pauperis* (Doc. 1) be **DENIED**.
2. Any Order adopting this Report and Recommendation should direct the Clerk of Court to return to petitioner the documents he submitted and to administratively close this matter on the docket of the Court.
3. Any Order adopting this Report and Recommendation should instruct petitioner that the Order

shall not affect petitioner's right to file his petition upon payment of the full \$5.00 filing fee.

Date: 12/13/2010

Karen L. Litkovitz

Karen L. Litkovitz, Magistrate Judge
United States District Court

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NOTICE

Attached hereto is a Report and Recommendation in the above-entitled habeas corpus action brought under 28 U.S.C. § 2254. Any party may object to the Magistrate Judge's Report and Recommendation **within 14 DAYS** of the filing date of this R&R. Such party shall file with the Clerk of Court and serve on all other parties written objections to the Report and Recommendation, specifically identifying the portion(s) of the proposed findings, recommendations, or report objected to, together with a memorandum of law setting forth the basis for such objection(s). Any response by an opposing party to the written objections shall be filed **within 14 DAYS** after the opposing party has been served with the objections. A party's failure to make objections in accordance with the procedure outlined above may result in a forfeiture of his rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature</p> <p>X</p> <p><input checked="" type="checkbox"/> Agent</p> <p><input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>1. Article Addressed to:</p> <p>Aaron L. Hall 418-952 London Corr. Inst. PO Box 69 1580 State Route 56 London, OH 43140</p>		<p>7002 3150 0000 8389 0798</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>PS Form 3811, August 2001 Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	

1:10-cv-867 (Doc. 2)